

**4-37-602 Adjudicative proceedings -- Presiding officer.**

- (1) Adjudicative proceedings under this chapter shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (2) The revocation of an aquaculture facility's certificate of registration, the denial of an aquaculture facility's future certificate of registration, and a denial or cancellation of an aquaculture facility's health approval number is a state agency action governed by Title 63G, Chapter 4, Administrative Procedures Act.
- (3)
  - (a) An owner or operator of an aquaculture facility may ask for an agency review, as provided by Section 63G-4-301, of an agency action specified in Subsection (2).
  - (b) The presiding officer, as defined in Section 63G-4-103, conducting the agency review shall consist of three members as follows:
    - (i) the person representing sport fishermen, appointed under Subsection 4-37-503(4)(a)(i)(C);
    - (ii) one person representing the aquaculture industry, appointed by the governor from names submitted by a nonprofit corporation, as defined in Section 16-6a-102, that promotes the efficient production, distribution, and marketing of aquaculture products and the welfare of all persons engaged in aquaculture; and
    - (iii) one person, appointed by the governor, who is knowledgeable about aquatic diseases and is employed by an institution of higher education.
  - (c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the recommending nonprofit corporation shall submit additional names.
  - (d) The final decision of the presiding officer shall be adopted upon approval of at least two of the members.
  - (e) The term for the member listed in Subsection (3)(b)(i) shall be the same as provided in Section 4-37-503.
  - (f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be four years.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session